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August 29, 2019

**VIA EFILE**

The Honorable Leonard P. Stark  
Chief U.S. District Judge, District of Delaware  
J. Caleb Boggs Federal Building  
844 N. King Street  
Unit 26, Room 6124  
Wilmington, DE 19801-3555

**Re: Xcoal Energy & Resources v. Bluestone Energy Sales Corporation et al.,  
Case No. 18-819-LPS**

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Dear Chief Judge Stark:

I write on behalf of the parties in this matter. Pursuant to the Court's August 26, 2019 Oral Order (D.I. 64), the parties have met and conferred regarding the rescheduling of the pretrial conference and trial.

The earliest that Defendants can be available for a rescheduled trial would be during the last two weeks of December 2019, January 2020 or March 2020 or later.

Plaintiff has indicated as follows: As the non-moving party, Plaintiff seeks to cooperate to accommodate the medical-related scheduling conflict of Defendants' trial counsel. The Proposed Final Pretrial Order filings recently were made and Plaintiff's counsel can be available at the Court's convenience for a re-scheduled Pretrial Conference. With respect to the availability period for trial stated above by Defendants, Plaintiff can be available starting in mid-January 2020 and any time thereafter. Due to extensive out-of-country business commitments of Xcoal's Mr. Thrasher, significant advance notice and a date certain for the re-scheduled trial would be greatly appreciated.

Accordingly, the parties respectfully request that the Court reschedule the pretrial conference at the Court's convenience and the trial at a date convenient to the Court after mid-January 2020 (but not in February 2020, due to a previously scheduled trial for Defendants' counsel.)

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Counsel are also continuing to pursue the possibility of settlement. The parties are available to discuss these issues, or any others, at Your Honor's convenience.

Respectfully,

*/s/ John A. Sensing*

John A. Sensing

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